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| TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 | REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK |
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Central District of California on the following ☒ Patents or ☐ Trademarks:

| | | |
|-------------------------------|--|---|
| DOCKET NO. | DATE FILED 11/9/2006 | U.S. DISTRICT COURT Central District of California |
| PLAINTIFF FREEDOM WAVE LLC | DEFENDANT MAD CATZ, INC. and NYKO TECHNOLOGIES, INC. <i>R (SG)</i> | |
| PATENT OR TRADEMARK NO. | DATE OF PATENT OR TRADEMARK | HOLDER OF PATENT OR TRADEMARK |
| 1 6,878,066 B2 | 4/12/2005 | FREEDOM WAVE LLC |
| 2 6,280,327 C1 | 8/28/2001 | FREEDOM WAVE LLC |
| 3 | | |
| 4 | | |
| 5 | | |

DOCKETED ON CM
OCT 24 2006
BY 002
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

In the above—entitled case, the following patent(s) and/or trademark(s) have been included:

| | | |
|----------------------------|--------------------------------|--|
| DATE INCLUDED | INCLUDED BY | <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading |
| PATENT OR TRADEMARK NO. | DATE OF PATENT OR TRADEMARK | HOLDER OF PATENT OR TRADEMARK |
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DOCKETED ON CM
NOV 20 2006
BY 002

In the above—entitled case, the following decision has been rendered or judgement issued:

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|--------------------|
| DECISION/JUDGEMENT |
| |

| | | |
|------------------------------|-------------------|------------------|
| CLERK <i>S. R. CARTER</i> | (BY) DEPUTY CLERK | DATE 10/23/08 |
|------------------------------|-------------------|------------------|

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

LOGGED

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20 NYKO TECHNOLOGIES, INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

21 FREEDOM WAVE LLC,

22 Plaintiff,

23 v.

24 MAD CATZ, INC. and NYKO
25 TECHNOLOGIES, INC.,

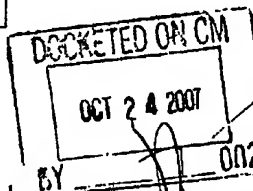
26 Defendants.

27 AND RELATED COUNTERCLAIMS.

Case No. CV 06-07209 JFW (MANx)

STIPULATION OF PLAINTIFF
FREEDOM WAVE LLC AND
DEFENDANT NYKO
TECHNOLOGIES, INC. TO
DISMISS ACTION WITHOUT
PREJUDICE TO REFILE; AND

[PROPOSED] ORDER



STIPULATION AND AGREED ORDER.

1 WHEREAS, Plaintiff Freedom Wave LLC and Defendant Mad Catz,
2 Inc. have previously settled, and all claims and counterclaims between them have
3 been dismissed; and

4
5 WHEREAS, Plaintiff Freedom Wave LLC and Defendant Nyko
6 Technologies, Inc. have agreed to settle this action in its entirety, including all
7 claims and counterclaims in this action between them; and

8
9 WHEREAS, the Plaintiff Freedom Wave LLC and Defendant Nyko
10 Technologies, Inc. are in the process of finalizing a written agreement that reflects
11 all of the terms of the settlement; and

12
13 WHEREAS, under the present schedule, the pretrial conference is set
14 for November 30, 2007; and

15
16 WHEREAS, the Plaintiff Freedom Wave LLC and Defendant Nyko
17 Technologies, Inc. wish to avoid the unnecessary expenditure of effort and resources
18 by the parties and this Court preparing for the pretrial conference in light of the
19 pending settlement.

20
21 **THEREFORE, IT IS HEREBY STIPULATED** by and between
22 Freedom Wave LLC and Nyko Technologies, Inc., through their respective counsel,
23 this Honorable Court consenting, pursuant to FED. R. Civ. P. 41(a)(1)(ii) and (c),
24 that this action, including all claims and counterclaims between Freedom Wave LLC

25 ///

26 ///

27 ///

28 ///

1 and Nyko Technologies, Inc., be dismissed without prejudice to refile if the
2 settlement is not consummated within thirty (30) days of dismissal.

3
4 Dated: October 19, 2007

5 SHEPPARD MULLIN RICHTER & HAMPTON LLP

6
7 By 

8 DENNIS J. SMITH

9 Attorneys for Plaintiff
10 FREEDOM WAVE LLC

11
12 Dated: October 19, 2007

13 CHRISTIE, PARKER & HALE LLP

14
15 By 

16 BRIAN K. BROOKEY

17 Attorneys for Defendant
18 NYKO TECHNOLOGIES, INC.

19 ORDER

20 IT IS ORDERED.

21
22
23 Dated: October 13, 2007

24 
25 UNITED STATES DISTRICT JUDGE

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles; I am over the age of eighteen
4 years and not a party to the within entitled action; my business address is 333 South Hope
Street, 48th Floor, Los Angeles, California 90071-1448.

5 On October 22, 2007, I served the following document(s) described as **STIPULATION**
6 **OF PLAINTIFF FREEDOM WAVE LLC AND DEFENDANT NYKO**
7 **TECHNOLOGIES, INC. TO DISMISS ACTION WITHOUT PREJUDICE TO**
8 **REFILING; AND [PROPOSED] ORDER** on the interested party(ies) in this action by
placing true copies thereof enclosed in sealed envelopes and/or packages addressed as
follows:

9 See Attached Service List

10 ☒ **BY MAIL:** I am "readily familiar" with the firm's practice of collection and
processing correspondence for mailing. Under that practice it would be deposited
11 with the U.S. postal service on that same day with postage thereon fully prepaid at
Los Angeles, California in the ordinary course of business to the parties as indicated
12 on the attached service list. I am aware that on motion of the party served, service
is presumed invalid if postal cancellation date or postage meter date is more than
one day after date of deposit for mailing in affidavit.

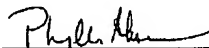
13 ☐ **BY OVERNIGHT DELIVERY:** I served such envelope or package to be
14 delivered on the same day to an authorized courier or driver authorized by the
overnight service carrier to receive documents, in an envelope or package
15 designated by the overnight service carrier.

16 ☐ **BY FACSIMILE:** I served said document(s) to be transmitted by facsimile
pursuant to Rule 2008 of the California Rules of Court. The telephone number of
17 the sending facsimile machine was 310-228-3701. The name(s) and facsimile
machine telephone number(s) of the person(s) served are set forth in the service list.
18 The sending facsimile machine (or the machine used to forward the facsimile)
issued a transmission report confirming that the transmission was complete and
19 without error. Pursuant to Rule 2008(e), a copy of that report is attached to this
declaration.

20 ☐ **BY HAND DELIVERY:** I caused such envelope(s) (as indicated on the attached
21 service list) to be delivered by hand to the office of the addressee(s).

22 ☒ **FEDERAL:** I declare that I am employed in the office of a member of the bar of
23 this Court at whose direction the service was made. I declare under penalty of
perjury under the laws of the United States of America that the foregoing is true and
24 correct.

25 Executed on October 22, 2007, at Los Angeles, California.

26 
27 Phyllis Ibsen
28

SERVICE LIST

BY MAIL

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